

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GIOVANNA SERVEDIO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**USDC-SDNY  
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ELECTRONICALLY FILED  
DOC#:  
DATE FILED:**

19-CV-9903 (RA)

ORDER ADOPTING REPORT AND  
RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

Plaintiff Giovanna Servedio brings this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the Commissioner of Social Security's decision denying in part her application for disability insurance benefits. Before the Court is the October 14, 2020 Report and Recommendation of the Honorable Magistrate Judge Fox (the "Report"), which recommends granting Plaintiff's motion for judgment on the pleadings, denying the Commissioner's cross-motion for judgment on the pleadings, reversing the decision of the administrative law judge ("ALJ"), and remanding this action to the Commissioner. *See* Dkt. 20. Neither party filed objections to the Report.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge's recommended findings "[w]ithin 14 days after being served with a copy of the recommended disposition." Fed. R. Civ. P. 72(b)(2); *see also* Report at 29-30 (advising parties of deadline to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)). "When the parties make no objections to the Report, the Court may adopt the Report if 'there is no clear error on the face of the record.'" *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD) (SN), 2015 WL 6123563, at \*1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250,

253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (citations omitted).

As no objections to Judge Fox’s Report were filed, the Court reviews the Report for clear error. After careful consideration of the record and exhibits submitted with the complaint, the Court finds no error and thus adopts the thorough and well-reasoned Report in its entirety. Accordingly, Plaintiff’s motion for judgment on the pleadings is granted, the Commissioner’s motion for judgment on the pleadings is denied, the decision of the ALJ is reversed, and this action is remanded to the agency for further administrative proceedings.

The Clerk of Court is respectfully directed to terminate the motions pending at Dkts. 15 and 17 and close this case.

SO ORDERED.

Dated: November 24, 2020  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

RONNIE ABRAMS  
United States District Judge